

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
January 17, 2005**

**Holiday**

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
January 18, 2005**

Court convened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are O’Leary, Acting P.J., Aronson, J., and Ikola, J. M. Urena, Deputy Clerk attending.

CIVIL            DWAIN A. YOUNG  
No.                v.  
G033003        LOWE’S HIW, INC.

Merits. Cause called. Paul R. Lynd argued for appellant. Joseph Antonelli argued for respondent. Cause submitted.

CIVIL            ARLENE CHAVEZ et al.  
No.                v.  
G033440        ADRIAN C. MAGANA et al.

Merits. Cause called. Michael O’Sullivan argued for appellants. No appearance made for respondents. Cause submitted.

CIVIL            QUESTAR ENGINEERING, INC. et al.  
No.                v.  
G033790        JD2 INCORPORATED

Merits. Cause called. Mark L. Kincaid argued for appellant. A. J. Pyka argued for respondents. Cause submitted.

CIVIL            THOMAS HAFEN et al.  
No.                v.  
G033970        COUNTY OF ORANGE et al.

Merits. Cause called. Jeffrey M. Richard, Deputy County Counsel argued for appellants. Karen Lee argued for respondents. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
January 18, 2005 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P.J., Moore, J., and Fybel, J. M. Urena, Deputy Clerk attending.

CIVIL            DANIEL E. HENRY  
No.              v.  
G033727        SHELLEY REISSMUELLER

Merits. Cause called. Brian G. Saylin argued for appellant. Jeffrey W. Doeringer argued for respondent. Cause submitted.

CIVIL            COUNTY OF ORANGE  
No.              v.  
G033576        J. DANIEL PINTO

Merits. Cause called. Appellant Daniel Pinto argued on his own behalf. Mary Dahlberg, Deputy Attorney General argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
January 18, 2005 (Cont'd)**

|         |                        |
|---------|------------------------|
| CRIM    | THE PEOPLE             |
| No.     | v.                     |
| G033039 | APOLINIO RAMOS ALVAREZ |

Order filed. Submission of the matter is hereby vacated, and appellant is invited to file a supplemental letter brief by February 18, 2005. Cause will be submitted thereafter for the term permitted by law.

O'Leary, Acting P.J.

|         |                            |
|---------|----------------------------|
| CIVIL   | ROYALTY CARPET MILLS, INC. |
| No.     | v.                         |
| G033763 | CITY OF IRVINE et al.      |

Certified for Publication

Opinion filed. Judgment affirmed.

Fybel, J.

We Concur: Aronson, Acting P.J.  
Ikola, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
January 19, 2005**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., Aronson, J., and Ikola, J. A. Cajigal, Deputy Clerk attending.

CIVIL           BARRY C. BINDER  
No.             v.  
G033310       THE CALIFORNIA DEPARTMENT OF CORPORATIONS

Merits. Cause called. Thomas A. Greco argued for appellant. Marlou de Luna argued for respondent. Penny A. Sander, certified court reporter for respondent present. Cause submitted.

CIVIL           HAROLD J. BROWN  
No.             v.  
G033457       KARLY BROWN

Merits. Cause called. Jeffrey W. Doeringer argued for appellant. Lisa Hughes argued for respondent. Cause submitted.

CIVIL           GENE MORAN  
No.             v.  
G033706       MURTAUGH, MILLER, MEYER & NELSON

Merits. Cause called. Evan Blair argued for appellant. Kevin J. Healy argued for respondent. Cause submitted.

CIVIL           VERONICA M.  
No.             v.  
G034691       ORANGE COUNTY SUPERIOR COURT;  
                  ORANGE COUNTY SOCIAL SERVICES AGENCY

Merits. Cause called. Paul De Quattro, Deputy Public Defender argued for petitioner. Ward Brady, Deputy County Counsel argued for real party in interest. Craig E. Arthur argued for real party in interest. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
January 19, 2005 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., O'Leary, J., and Ikola, J. A. Cajigal, Deputy Clerk attending.

CIVIL            PRIME TECH STAFFING, INC.  
No.                v.  
G034128        SANDI MIKELSEN

Merits. Cause called. Laura M. Knox argued for appellant. Todd J. White argued for respondent. Cause submitted.

CIVIL            LABOR READY, INC.  
No.                v.  
G033616        ROBERT L. REEVES CONSTRUCTION CO.

Merits. Cause called at 2:10 p.m. and still no appearance of Eugene Button counsel for appellant. Francis T. Sakamaki appeared for respondent. Cause submitted.

CIVIL            MANUEL REZA  
No.                v.  
G033683        KEY FLORES

Merits. Cause called. Annaluisa Padilla argued for appellant. No appearance by respondent and no respondent's brief file. Cause submitted.

CIVIL            SHERRI LONG  
No.                v.  
G033471        BREA COMMUNITY HOSPITAL

Merits. Cause called. Richard Hamlish argued for appellant. Christopher Cannon argued for respondent. Cause submitted.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
January 19, 2005 (Cont'd)**

CIVIL            CRAIG PETRIK  
No.                v.  
G033528        Fn PROJECTS, INC.

Merits. Cause called. Douglas Mahaffey argued for appellant. Elyn C. Holt argued for respondent. Cause submitted.

CIVIL            SABINA C. BROWN  
No.                v.  
G033558        PROFESSIONAL COMMUNITY MANAGEMENT

Merits. Cause called. Richard P. Herman argued for appellant. John R. Mac Dowell argued for respondent. Cause submitted.

CIVIL            LAKE FOREST KEYS  
No.                v.  
G033852        SABINA C. BROWN

Merits. Cause called. Richard P. Herman argued for appellant. John R. Mac Dowell argued for respondent. Cause submitted.

CIVIL            LAKE FOREST KEYS  
No.                v.  
G033941        SABINA C. BROWN

Merits. Cause called. Richard P. Herman argued for appellant. John R. Mac Dowell argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
January 19, 2005 (Cont'd)**

CRIM            THE PEOPLE  
No.            v.  
G031437      JUAN MANUEL MORENO

Order filed. Pursuant to California Rules of Court, rule 23(e)(1), submission of the above matter is hereby vacated, and appellant is invited to file a supplemental letter brief no later than February 18, 2005, limited to the effect, if any, of United States v. Booker (2005)\_\_\_U.S.\_\_\_\_ [2005 Daily Journal D.A.R. 410], on this appeal. Respondent may file a response no later than March 4, 2005. Appellant may file a reply no later than March 11, 2005. The cause will be resubmitted thereafter for the time permitted by law.

Rylaarsdam, Acting P.J.

CRIM            THE PEOPLE  
No.            v.  
G032422      NHA DAC HO

Not for publication

Opinion filed. Judgment affirmed.

Ikola, J.

We concur:    Aronson, Acting P.J.  
                      Fybel, J.

CRIM            THE PEOPLE  
No.            v.  
G032702      ANNA MARIE MORGAN

Order filed. Pursuant to California Rules of Court, rule 23(e)(1), submission of the above matter is hereby vacated, and appellant is invited to file a supplemental letter brief no later than February 18, 2005, limited to the effect, if any, of United States v. Booker (2005)\_\_\_U.S.\_\_\_\_ [2005 Daily Journal D.A.R. 410], on this appeal. Respondent may file a response no later than March 4, 2005. Appellant may file a reply no later than March 11, 2005. The cause will be resubmitted thereafter for the term permitted by law.

Sills, P.J.



**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
January 19, 2005 (Cont'd)**

CRIM            THE PEOPLE  
No.             v.  
G032793       JERRY LEE HARDIN

Order filed. Pursuant to rule 23(e)(1), California Rules of Court, submission of the above matter is hereby vacated, and appellant is invited to file a supplemental letter brief no later than February 18, 2005, limited to the effect, if any, of United States v. Booker (2005)\_\_\_U.S.\_\_\_\_[2005 Daily Journal D.A.R. 410], on this appeal. Respondent may file a response no later than March 4, 2005. Appellant may file a reply no later than March 11, 2005. The cause will be resubmitted thereafter.

Bedsworth, Acting P.J.

CRIM            THE PEOPLE  
No.             v.  
G032844       JALAL KHALID SAADE

Order filed. Pursuant to rule 23(e)(1), California Rules of Court, submission of the above matter is hereby vacated, and appellant is invited to file a supplemental letter brief no later than February 18, 2005, limited to the effect, if any, of United States v. Booker (2005)\_\_\_U.S.\_\_\_\_[2005 Daily Journal D.A.R. 410], on this appeal. Respondent may file a response no later than March 4, 2005. Appellant may file a reply no later than March 11, 2005. The cause will be resubmitted thereafter.

O'Leary, Acting P.J.

CIVIL           WESELOH FAMILY LIMITED  
No.             PARTNERSHIP et al.  
G032874       v.  
                 OWEN ENGINEERING GROUP et al.

Order filed. The petition for rehearing is DENIED.

Fybel, J.

We concur:   Rylaarsdam, Acting P.J.  
                 Moore, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
January 19, 2005 (Cont'd)**

|         |                       |                     |
|---------|-----------------------|---------------------|
| CRIM    | THE PEOPLE            | Not for publication |
| No.     | v.                    |                     |
| G033144 | SEAN MALLOY VAN ALLEN |                     |

Opinion filed. Judgment affirmed.

Bedsworth, J.

We concur: Rylaarsdam, Acting P.J.  
Aronson, J.

|         |                   |  |
|---------|-------------------|--|
| CIVIL   | ANN E. ACKERMAN   |  |
| No.     | v.                |  |
| G034259 | BORIS M. ACKERMAN |  |
| G034582 |                   |  |

Order filed. Appellant's motion and parties' stipulation to deem prematurely filed notice of appeal in case number G034259 to be filed immediately after judgment, to consolidate case number G034259 with case number G034582, and to extend time to file appellant's opening brief is GRANTED. The cases are consolidated for all purposes.

Sills, P.J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
January 20, 2005**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Sills, P.J., O'Leary, J., and Aronson, J. M. Urena, Deputy Clerk attending.

CRIM            THE PEOPLE  
No.            v.  
G032981      DOMINIC RIZZO

Merits. Cause called. Richard P. Herman argued for appellant. Warren Robinson, Deputy Attorney General argued for respondent. Cause submitted.

CRIM            THE PEOPLE  
No.            v.  
G032582      GALO DE JESUS

Merits. Cause called. Mark S. Devore argued for appellant. Michael Murphy, Deputy Attorney General argued for respondent. Appellant to file a supplemental letter brief by 4:00 p.m. on February 10, 2005. Respondent to file a supplemental letter brief by 4:00 p.m. on February 25, 2005. Appellant may file a supplemental letter brief by 4:00 p.m. on March 4, 2005. Cause to be submitted on March 4, 2005.

CRIM            THE PEOPLE  
No.            v.  
G033427      ANTHONY G. BOWEN

Merits. Cause called. Anton Plese argued for appellant. Michael Murphy, Deputy Attorney General argued for respondent. Cause submitted.

CRIM            THE PEOPLE  
No.            v.  
G032548      ERIK R. ANDERSSON

Merits. Cause called. Sherilyn P. McDonald argued for appellant. Garry Haehnle, Deputy District Attorney on special assignment for the Attorney General's Office argued for respondent. Cause submitted.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
January 20, 2005 (Cont'd)**

CIVIL            CARROLL MORRIS  
No.                v.  
G033649        REDWOOD EMPIRE BANCORP et al.

Merits. Cause called. Jeffrey Wilens argued for appellant. John B. Hurlbut argued for respondents. Cause submitted.

CIVIL            STEPHEN ROMANO et al.  
No.                v.  
G033796        MERCURY INSURANCE COMPANY

Merits. Cause called. John A. Taylor argued for appellant. Christopher J. Day argued for respondents. Cause submitted.

CIVIL            FRANK D. LUER  
No.                v.  
G033366        COUNTY OF ORANGE et al.

Merits. Cause called. Appellant Frank D. Luer argued on his own behalf. Darren G. Mayers argued for respondents. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
January 20, 2005 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P.J., Bedsworth, J., and Moore, J. M. Urena, Deputy Clerk attending.

|         |                |
|---------|----------------|
| CRIM    | THE PEOPLE     |
| No.     | v.             |
| G033360 | MASHONE BONNER |

Merits. Cause called. Betty A. Haight argued for appellant. Brad Weinreb, Deputy Attorney General argued for respondent. Cause submitted.

|         |                    |
|---------|--------------------|
| CRIM    | THE PEOPLE         |
| No.     | v.                 |
| G033584 | DUSTIN C. DWINNELL |

Merits. Cause called. Betty A. Haight argued for appellant. Deana Bohenek, Deputy Attorney General argued for respondent. Cause submitted.

|         |                    |
|---------|--------------------|
| CRIM    | THE PEOPLE         |
| No.     | v.                 |
| G032783 | JEFFREY A. NEWLAND |

Merits. Cause called. Marianne Harguindeguy argued for appellant. Brad Weinreb, Deputy Attorney General argued for respondent. Cause submitted.

|         |                  |
|---------|------------------|
| CRIM    | THE PEOPLE       |
| No.     | v.               |
| G033376 | ROBERT G. FLORES |

Merits. Cause called. Jennifer A. Gambale argued for appellant. Warren Robinson, Deputy Attorney General argued for respondent. Cause to be submitted on a later date.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
January 20, 2005 (Cont'd)**

CIVIL            ELIZABETH STONE et al.  
No.               v.  
G033779       KAISER FOUNDATION HOSPITAL et al.

Merits. Cause called. Michael F. Smith argued for appellants. Theodore H. O'Leary argued for respondents. Cause submitted.

CIVIL            JOSE OCHOA  
No.               v.  
G033556       CESAR A. PACHECO

Merits. Cause called. Kathy J. McCormick argued for appellant. Robert L. Bachman argued for respondent. Cause submitted.

CIVIL            THERESA WILENS  
No.               v.  
G033660       J.P. MORGAN CHASE & CO. et al.

Merits. Cause called. Julia B. Strickland argued for appellants. Jeffrey Wilens argued for respondent. Cause submitted.

CIVIL            CITIGROUP, INC. et al.  
No.               v.  
G033663       THERESA WILENS et al.

Merits. Cause called. Julia B. Strickland argued for appellants. Jeffrey Wilens argued for respondents. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
January 20, 2005 (Cont'd)**

CIVIL            GEOFFREY R. Le PLASTRIER  
No.                v.  
G033346        STEFANIE MASTERS et al.

Order filed denying request for publication.

Aronson, J.

We concur:    Bedsworth, Acting P.J.  
                     Ikola, J.

CRIM            THE PEOPLE  
No.                v.  
G033783        SHEILA NICHOLSON

Not for publication

Opinion filed. Judgment affirmed as modified.

Rylaarsdam, Acting P.J.

We concur:    Bedsworth, J.  
                     Moore, J.

CIVIL            ORANGE COUNTY SOCIAL  
No.                SERVICES AGENCY  
G033957        v.  
                     GILBERT E.

Order filed denying request for publication.

Aronson, J.

We concur:    Rylaarsdam, Acting P.J.  
                     O'Leary, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
January 20, 2005 (Cont'd)**

CIVIL  
No.  
G034974

BONITA ALONSO  
v.  
THE SUPERIOR COURT OF  
ORANGE COUNTY;  
JOHN S. WILLIAMS, as Public  
Administrator, etc.

Not for publication

Opinion filed. Petition granted.

Sills, P.J.

We concur: O'Leary, J.  
Ikola, J.



**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
January 21, 2005**

Court reconvened at 9:30 a.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Bedsworth, Acting P.J., Moore, J., and Fybel, J. M. Urena, Deputy Clerk attending.

CIVIL            LO LEN A. McGOWEN  
No.                v.  
G032940        DENNIS RODMAN

Merits. Cause called. Gerald M. Serlin argued for appellant. John P. McKay argued for respondent. Cause submitted.

CIVIL            GLENN GARRITY et al.  
No.                v.  
G033935        SABRINA SCHILLING

Merits. Cause called. Emily Wehbe argued for appellant. Jan Rainbird argued for respondents. Cause submitted.

CIVIL            LEE D. WOOLEVER  
No.                v.  
G033838        PENNY M. WOOLEVER

Merits. Cause called. Jeffrey W. Doeringer argued for appellant. Respondent Penny M. Woolever argued on her own behalf. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
January 21, 2005 (Cont'd)**

Court reconvened at 1:30 p.m. in the courtroom located at 925 N. Spurgeon Street, Santa Ana, California 92701. Panel members are Rylaarsdam, Acting P.J., Bedsworth, J., and Fybel, J. M. Urena, Deputy Clerk attending.

CIVIL            JACK MA  
No.                v.  
G033701        21<sup>st</sup> CENTURY CENTURY INSURANCE CO.

Merits. Cause called. Michael L. Gilmore argued for appellant. James P. Lemieux argued for respondent. Cause submitted.

CIVIL            ORANGE COUNTY SOCIAL  
No.                SERVICES AGENCY  
G034378        v.  
                     HELENA C.

Merits. Cause called. Leslie Barry argued for appellant. Ward Brady, Deputy County Counsel argued for respondent. Cause submitted.

CIVIL            DENNIS MILES  
No.                v.  
G033306        KATHY HOLBROOK et al.

Merits. Cause called. Michael G. York argued for appellant. Mark S. Blackman argued for respondents. Cause submitted.

CIVIL            RUTH H. SINGLETARY  
No.                v.  
G033983        HEALTH LINK MEDI-VAN

Merits. Cause called. Ronnie W. Townsend argued for appellant. Sarah W. Yoseloff argued for respondent. Appellant to submit a letter with a copy of the signed judgment by January 28, 2005. Cause to be submitted on January 28, 2005.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
January 21, 2005 (Cont'd)**

CIVIL           TIMOTHY W. SCHULTZ  
No.             v.  
G033879       GINIX CORPORATION et al.

Merits. Cause called. Jeffrey Wilens argued for appellant. Michael G. Rhodes argued for respondent Paypal, Inc. Mukesh Advani argued for respondent Ginix Corporation. Christopher Chorba and Elizabeth A. Brem argued for respondent Paysystems, Inc. Cause submitted.

CIVIL           ARDESHIR ZARMAHD  
No.             v.  
G033591       MOHAMMAD B. MARDEBAN et al.

Merits. Cause called. Frank Satalino argued for appellants. L. Thomas Murphy argued for respondent. Cause submitted.

Court declared a recess.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
January 21, 2005 (Cont'd)**

|         |                     |                     |
|---------|---------------------|---------------------|
| CRIM    | THE PEOPLE          | Not for publication |
| No.     | v.                  |                     |
| G032982 | RAUL MAGALLON ARCEO |                     |

Opinion filed. Judgment affirmed.

Moore, J.

We concur: Bedsworth, Acting P.J.  
O'Leary, J.

|         |                   |                     |
|---------|-------------------|---------------------|
| CRIM    | THE PEOPLE        | Not for publication |
| No.     | v.                |                     |
| G033011 | ERIN LYNN GORMLEY |                     |

Opinion filed. Judgment affirmed in part and reversed in part.

Rylaarsdam, Acting P.J.

We concur: Aronson, J.  
Ikola, J.

|         |                           |                     |
|---------|---------------------------|---------------------|
| CRIM    | THE PEOPLE                | Not for publication |
| No.     | v.                        |                     |
| G033600 | FERMIN VINCENT VALENZUELA |                     |

Opinion filed. Judgment affirmed.

Fybel, J.

We concur: Moore, Acting P.J.  
Ikola, J.

**State of California, Court of Appeal  
Fourth Appellate District, Division 3  
January 21, 2005 (Cont'd)**

|         |                    |
|---------|--------------------|
| CRIM    | THE PEOPLE         |
| No.     | v.                 |
| G033615 | MELISSA A. BARRETT |

Order filed. Pursuant to rule 23(e)(1), California Rules of Court, submission of the above matter is hereby vacated, and appellant is invited to file a supplemental letter brief no later than March 7, 2005, limited to the effect, if any, of United States v. Booker (2005)\_\_\_U.S.\_\_\_\_[2005 Daily Journal D.A.R. 410] on this appeal. Respondent may file a response no later than April 6, 2005. Appellant may file a reply no later than April 21, 2005. The cause will be resubmitted thereafter.

Bedsworth, Acting P.J.